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04 UNITED STATES DISTRICT COURT
05 WESTERN DISTRICT OF WASHINGTON
06 AT SEATTLE

07 CHARLES WEBER,) CASE NO. C08-1676-RSL-MAT
08)
09 Petitioner,)
10)
11 v.) ORDER GRANTING PETITIONER'S
12) UNOPPOSED MOTION FOR AN
13 STEPHEN SINCLAIR,) EXTENSION OF TIME
14)
15 Respondent.)
16)
17)

18 Petitioner Charles Weber moves for a forty-five day extension of the answer's noting
19 date to permit counsel to complete an ongoing investigation into petitioner's actual innocence
20 and claim of ineffective assistance of counsel. (Dkt. 34.) Respondent does not oppose this
21 motion. Defense counsel located a missing alibi witness in late-December 2009 and plans to
22 re-interview this witness, another witness, and the victim. (Dkt. 35, at 2.)

Because Mr. Weber has presented good cause for additional time, the Court GRANTS
Mr. Weber's unopposed motion for an extension of time (Dkt. 34) but MODIFIES the terms.
This is the third unopposed motion for an extension of time, and Mr. Weber suggests that
respondent should be allowed to file an amended answer (Dkt. 34, at 1), which implies the
necessity for an amended habeas petition based on newly discovered evidence. The Court
therefore orders as follows: Mr. Weber is granted leave to file a second amended habeas

01 petition **within forty-five (45) days of the date of this order, to be noted for consideration**
02 **on the fourth Friday after filing;** respondent shall file an amended answer no later than the
03 Monday before the noting date; petitioner's optional reply is due no later than the noting date.
04 *See* Local Rule CR 7(d)(3). The Clerk is directed to STRIKE the present noting date for the
05 habeas petition. Should the filing of amended pleadings prove to be unnecessary, the parties
06 are directed to present the Court with a proposed noting date for the papers that have already
07 been filed.

08 DATED this 20th day of January, 2010.

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11 Mary Alice Theiler
12 United States Magistrate Judge
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